



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/654,600	05/29/96	MIZELL	R 5383

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EXAMINER

ROWAN, K

ART UNIT

PAPER NUMBER

3616

16

DATE MAILED:

04/23/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/654,600

Applicant(s)

Mizell

Examiner

Kurt Rowan

Group Art Unit

3616



☒ Responsive to communication(s) filed on Apr 8, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4, 6, and 8-12 is/are rejected.

☒ Claim(s) 5 and 7 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross.

The patent to Gross shows an insect trap with top and bottom portions. The bottom portion has a plurality of elements 12-15 cooperating along longitudinal axis to form at least two planar fins which extend radially from wider bases to narrower apexes. Gross shows the bases cooperating at a lower end to maintain the apparatus positionally stable. Gross shows the fins forming at least one outwardly facing channel in that the channels face outwardly from the trap entrance when viewed from the inside at the bottom. Note that the channels narrow from the base to the apex. Gross shows a top portion 6, 9 comprising an enclosed chamber except for an entrance opening positioned over and surrounding an upper end of the bottom portion such that at least one channel terminates within the chamber. Gross does not show the color of the bottom portion being reflective of a wavelength which attracts target species, but it would have been obvious to use a color that would attract the target species to catch more of them. In reference to claim 11,

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Gross shows the material 50 of the top portion admitting ambient light into the interior of the the chamber and onto the channel surface due to aperture 60. The rejection of the other claims has been discussed in previous Office Actions.

Allowable Subject Matter

3. Claims 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (703) 308-2321.

KR

April 22, 1998

Kurt Rowan

KURT ROWAN
PRIMARY EXAMINER
GROUP 0200